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OF COMMERCE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
2,585,056	02/23/81	NEVO	14 01597

221 MADISON AVENUE
NEW YORK, NY 10016

EXAMINER	
DOUGLAS (612)	
ART UNIT	PAPER NUMBER
122	3

DATE MAILED: 07/14/82

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.
A shortened statutory period for response to this action is set to expire 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENTS ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1445 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-18 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-18 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in patent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1955 C.O. 11; 453 O.G. 213.
14. ☐ Other _____

Art Unit 122

Receipt is acknowledged of papers submitted under 35 U.S.C. 119, which papers have been placed of record in the file.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-7 and 18, drawn to cepheids and pharmaceutical composition, classified in Class 424, subclass 246.

II. Claim 8, drawn to process for preparing cepheids, classified in Class 54, subclass 28.

III. Claim 9, drawn to process for preparing cepheids, classified in Class 544, subclass 28.

IV. Claims 10-13, drawn to process for preparing cepheids, classified in Class 544, subclass 28.

V. Claims 14 and 15, drawn to process for preparing cepheids, classified in Class 544, subclass 28.

VI. Claims 16 and 17, drawn to process for preparing cepheids, classified in Class 544, subclass 28.

Inventions I-V and VI are related as process of making and product made. The inventions are distinct if either or both of the following can be shown, (1) that the process as claimed can be used to make other and different products or (2) that the product as claimed can be made by another and materially

different process. See MPEP 806.05(f). In the instant case the product can be made by various materially different processes as is evident from Group II-VI.

Because the inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this action to be complete must include an election of the Invention to be prosecuted even though the requirement be traversed.

Applicant is given 30 DAYS from the date of this letter to make an election to avoid a question of abandonment.

Coughlan:jag

A/C 703

557-3032

7-6-82

Paul M. Coughlan, Jr.

PAUL M. COUGHLAN, JR.
PRIMARY EXAMINER
ART UNIT 122